

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y

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FARAH AMID,

★ MAY 18 2016 ★

LONG ISLAND OFFICE

Plaintiff,

ORDER

-against-

CV 14-3151

Police Officer THOMAS R. LAMB (in his individual capacity), Police Sergeant SHAUN C. MCKEE (in his individual capacity), and Police Sergeant JEFFREY A. DOVE (in his individual capacity),

(Wexler, J.)

Defendants.

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This is a civil rights action arising out of an incident that occurred between the Plaintiff and the Defendant law enforcement officers at Plaintiff's residence on May 27, 2012. Plaintiff asserts claims for false arrest and imprisonment, unlawful search, excessive force, and failure to intervene, pursuant to 42 U.S.C. § 1983. Presently before the Court is Defendants' motion for summary judgment.

Having reviewed the papers in support of and in opposition to Defendants' motion for summary judgment, the Court finds that genuine issues of material fact exist with respect to Plaintiff's claims for false arrest and imprisonment, unlawful search and excessive force. The evidence submitted by the parties presents two starkly different accounts of what occurred at Plaintiff's residence on May 27, 2012. Such issues of fact preclude the entry of summary judgment at this time.

With respect to Plaintiff's claim for failure to intervene, however, the Court grants

Defendants' motion for summary judgment since Plaintiff failed to address the claim in her opposition to the within motion or in any way rebut the arguments submitted by Defendants. "Federal courts may deem a claim abandoned when a party moves for summary judgment on one ground and the party opposing summary judgment fails to address the argument in any way."

Maher v. Alliance Mortgage Banking Corp., 650 F. Supp. 2d 249, 267 (E.D.N.Y. 2009) (quotation omitted) (citing cases); Ostroski v. Town of Southold, 443 F. Supp. 2d 325, 340 (E.D.N.Y. 2006) ("Because plaintiff's opposition papers did not address defendants' motion for summary judgment on this claim, the claim is deemed abandoned and summary judgment could be granted on that basis alone.").

Based on the foregoing, the Court deems Plaintiff's failure to intervene claim to be abandoned and Defendants are granted summary judgment solely with respect to that claim. In all other respects, Defendant's motion for summary judgment is denied.

SO ORDERED:

Dated: Central Islip, New York
May 18, 2016

/s/
LEONARD D. WEXLER
United States District Judge